



General Assembly

Substitute Bill No. 500

February Session, 2008

* SB00500TRA__031008__ *

AN ACT CONCERNING HIGHWAY WORK ZONE SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this section
2 and section 2 of this act: (1) "Highway work zone" means an area of a
3 state highway where construction, maintenance or utility work is
4 being performed. Such work zone may be marked by signs, channeling
5 devices, barriers, pavement markings or work vehicles, and extends
6 from the first warning sign or high-intensity rotating, flashing,
7 oscillating or strobe lights on a vehicle to the "END ROAD WORK"
8 sign or the last temporary traffic control device; and (2) "highway
9 worker" means a person who is required to perform the duties of such
10 person's job on state bridges, state roads or in highway work zones,
11 including: (A) A person who performs maintenance, repair or
12 construction of state bridges, state roads, shoulders, medians and
13 associated rights-of-way in highway work zones; (B) a person who
14 operates a truck, loader or other equipment on state bridges, state roads
15 or in highway work zones; (C) a person who performs any other related
16 maintenance work, as required, on state bridges, state roads or in
17 highway work zones; (D) a state or local public safety officer who
18 enforces work zone-related transportation management and traffic
19 control; (E) a state or local public safety officer who conducts traffic
20 control or enforcement operations on state bridges, state roads,

21 shoulders, medians and associated rights-of-way; and (F) a state or
22 local public safety officer or firefighter, an emergency medical services
23 provider, or any other authorized person, who removes hazards from
24 state bridges, state roadways, shoulders, medians and associated
25 rights-of-way, or who responds to accidents and other incidents on
26 state bridges, state roads, shoulders, medians, associated rights-of-way
27 or in highway work zones.

28 (b) A person shall be deemed to commit the offense of
29 "endangerment of a highway worker" upon conviction of any of the
30 following while such person is operating a motor vehicle within a
31 highway work zone, as defined in subsection (a) of this section: (1)
32 Exceeding the posted speed limit by fifteen miles per hour or more; (2)
33 passing another vehicle; (3) failing to stop for a flagperson or failure to
34 obey traffic control devices erected for purposes of controlling the flow
35 of motor vehicles through such zone; (4) driving through or around
36 such zone in any lane not clearly designated for use by motor vehicles
37 traveling through or around such zone; (5) physically assaulting,
38 attempting to assault, or threatening to assault a highway worker with
39 a motor vehicle or other instrument; (6) intentionally striking, moving
40 or altering barrels, barriers, signs or other devices erected to control
41 the flow of traffic and protect highway workers and motor vehicle
42 operators, for any reason other than: (A) An emergency, (B) the
43 avoidance of an obstacle, or (C) the protection of the health and safety
44 of another person; or (7) committing any of the following offenses for
45 which points may be assessed against the owner of an operator's
46 license in accordance with regulations adopted by the Commissioner
47 of Motor Vehicles pursuant to section 14-137a of the general statutes:
48 (A) Leaving the scene of an accident; (B) careless and imprudent
49 driving; (C) operating without a valid operator's license; (D) operating
50 with a suspended or revoked license; (E) operating a motor vehicle
51 while under the influence of intoxicating liquor or any drug or both, as
52 defined in section 14-227a of the general statutes; or (F) committing
53 any felony which involves the use of a motor vehicle.

54 (c) No person shall be cited or convicted for endangerment of a
55 highway worker unless the act or omission constituting the offense
56 occurred when one or more highway workers were in the highway
57 work zone.

58 (d) Upon conviction or a plea of guilty for committing the offense of
59 endangerment of a highway worker, as defined in subsection (b) of
60 this section, provided no injury or death to a highway worker resulted
61 from such offense, a person shall be subject to a fine of not more than
62 one thousand dollars and shall have four points assessed against such
63 person's operator's license, in addition to any other penalty authorized
64 by law.

65 (e) A person shall be deemed to commit the offense of "aggravated
66 endangerment of a highway worker" upon conviction or a plea of
67 guilty for any offense set forth in subsection (b) of this section while
68 such person is operating a motor vehicle within a highway work zone,
69 as defined in subsection (a) of this section, and which results in the
70 injury or death of a highway worker. Upon conviction or a plea of
71 guilty for committing the offense of aggravated endangerment of a
72 highway worker, a person shall be subject to a fine of (1) not more than
73 five thousand dollars if such offense resulted in injury to a highway
74 worker, or (2) ten thousand dollars if such offense resulted in the death
75 a highway worker. Such person shall have twelve points assessed
76 against such person's operator's license and shall be subject to the
77 provisions of title 14 of the general statutes, regarding the suspension
78 or revocation of an operator's license, in addition to any other penalty
79 authorized by law.

80 (f) No person shall be cited or convicted for endangerment of a
81 highway worker or aggravated endangerment of a highway worker for
82 any act or omission otherwise constituting an offense under this
83 section if such act or omission resulted, in whole or in part, from
84 mechanical failure of such person's motor vehicle or from the
85 negligence of a highway worker or other person.

86 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) There is established a
87 Highway Work Zone Safety Advisory Council to make ongoing
88 recommendations to improve safety for workers, public safety officers
89 and motor vehicle operators in a "highway work zone", as defined in
90 section 1 of this act. The ongoing areas of study and review by the
91 council shall include: (1) Evaluation of current work design and safety
92 protocols; (2) survey of effective highway work zone design and safety
93 protocols in other states; (3) implementation of technology to improve
94 highway work zone safety; (4) use of public safety officers to improve
95 highway work zone safety; (5) availability of federal funding for
96 highway work zone training and enforcement; and (6) other issues the
97 council deems appropriate for improving highway work zone safety.

98 (b) The council shall be comprised of the following members: The
99 Commissioners of Transportation, Public Safety and Motor Vehicles, or
100 their designees; a representative from the state-wide union
101 representing Department of Transportation highway maintainers; a
102 representative from the state-wide union representing state police
103 officers; and a representative of private sector highway workers who
104 perform the duties of a "highway worker", as defined in section 1 of
105 this act.

106 (c) The council shall meet quarterly, or more often as needed, and
107 report its recommendations to the Commissioner of Transportation
108 and the joint standing committee of the General Assembly having
109 cognizance of matters relating to transportation.

110 Sec. 3. (*Effective July 1, 2008*) The sum of two hundred fifty thousand
111 dollars is appropriated to the Department of Transportation, from the
112 General Fund, for the fiscal year ending June 30, 2009. Such funds shall
113 be used for highway traffic enforcement, including the expansion of
114 the "Operation Big Orange" program, to protect the safety of highway
115 work zones staffed by public employees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>July 1, 2008</i>	New section

Statement of Legislative Commissioners:

The following changes were made to improve clarity: The numerical order of the first 2 sections was switched because section 1 contains numerous references to "highway work zone" in the list of the Highway Work Zone Safety Advisory Council's areas of study and review and the term has not been defined; in section 1 (formerly section 2), "highway work zone" is defined before "highway worker" because the definition of highway worker includes several references to highway work zone, as yet undefined; "highway worker" is defined by listing six categories of duties that such a person is required to perform. The terms used in the definition were changed from the plural to the singular; and subsection (e) of section 1 requires the presence of one or more highway workers in a work zone as a condition for conviction of "endangerment of a highway worker". Subsection (e) is relettered as (c) and moved after subsection (b), which defines the offense, and before subsection (d), which contains the penalty.

TRA *Joint Favorable Subst.*